

HOUSE BILL 584

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

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AN ACT

RELATING TO COURTS; REQUIRING PERSONAL ATTENDANCE UPON THE
COURT IN ORDER TO BE EXCUSED FROM JURY SERVICE; ALLOWING JUDGES
TO EXCUSE A PERSON FROM JURY SERVICE WITHOUT PERSONAL
ATTENDANCE DUE TO EXTREME PHYSICAL HARDSHIP.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 38-5-2 NMSA 1978 (being Laws 1973,
Chapter 150, Section 1, as amended) is amended to read:

"38-5-2. EXEMPTION FROM JURY SERVICE--EXCUSALS--SERVICE
OF DISQUALIFIED JUROR.--

A. A person who has served as a member of a petit
jury panel or a grand jury in either state or federal courts
within the preceding thirty-six months shall be exempt from
sitting or serving as a juror in a court of this state when the
person requests to be exempted from service by reason of the

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underscored material = new
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[bracketed material] = delete

1 exemption granted by this subsection.

2 B. A person may be excused from jury service at the
3 discretion of the judge or the judge's designee [~~with or~~
4 ~~without the person's personal attendance upon the court~~] if:

5 (1) jury service would cause undue or extreme
6 physical or financial hardship to the prospective juror or to a
7 person under the prospective juror's care or supervision;

8 (2) the person has an emergency that renders
9 the person unable to perform jury service; or

10 (3) the person presents other satisfactory
11 evidence to the judge or the judge's designee.

12 C. A person may be excused from jury service
13 pursuant to Subsection B of this section with or without the
14 person's personal attendance upon the court; except that the
15 judge or the judge's designee shall not require a person's
16 personal attendance upon the court if the person provides,
17 within the required time period indicated on the summons, a
18 written request supported by satisfactory evidence for
19 exemption from jury service due to extreme physical hardship.

20 [~~C.~~] D. A person requesting an exemption or an
21 excuse from jury service shall take all necessary action to
22 obtain a ruling on the request no later than the date on which
23 the person is scheduled to appear for jury [~~duty~~] service.

24 [~~D.~~] E. The judge, in the judge's discretion, upon
25 granting any excuse, may disallow the fees and mileage of the

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